

# EXHIBIT

A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATE OF AMERICA

v.

Criminal Action No. 2:09-cr-00208-01

MARY JANE BOWLING

AFFIDAVIT OF STEPHEN P. DAILEY

STATE OF WEST VIRGINIA;

COUNTY OF KANAWHA; to wit:

This day came Stephen P. Dailey, being of legal age and who, after being duly sworn, does depose and say:

1. My name is Stephen Dailey. I make and sign this affidavit to be filed in the above-styled case.
2. I am employed by the State of West Virginia as the Director of the Field Operations of WorkForce West Virginia (WFWV) and was so employed at all times relevant to the matters set forth in this affidavit.
3. I submit this affidavit at the request of counsel for Mary Jane Bowling in the above-styled case.
4. Mary Jane Bowling was employed as the Assistant Director, State Set-Aside Program, WFWV in 2008.
5. In 2008 the State of West Virginia awarded a State Set-Aside grant of up to

\$100,000 to Comar, Inc. (Comar) for Program Year 2008 (July 1, 2008 to June 30, 2009). WFWV, in accordance with required procedures and law, took the following steps in awarding the set-aside grant to Comar:

- a. WFWV published and distributed notice about the State Set-Aside Program, advising interested parties to submit bids (applications) for grants for Program Year 2008.
- b. WFWV held a bidders' conference on March 17, 2008 for parties interested in submitting proposals for grants.
- c. Parties which intended to submit grant proposals had to submit a notice of intent by April 1, 2008.
- d. Interested parties submitted their bid packages by April 30, 2008.
- e. Bid packages (containing the bidder's application and grant proposal) were then reviewed: *first*, by the Internal Team, composed of WFWV employees; and *second*, by the External Team, composed of WFWV employees and representatives of the State Development Office and Education Department. The Internal Team recommended the Comar bid for approval. The External Team did not recommend the Comar bid for approval.
- f. Following the above bid reviews, Mary Jane Bowling advised me that she believed the Comar bid should be approved.
- g. In my opinion, the Comar bid contained an excellent proposal that was consistent with the elements WFWV sought through the bidding process, and that was consistent with the purposes and goals of the State Set-Aside Program. To that end, on May 23, 2008, Mary Jane

and I drafted and sent an e-mail to Ron Radcliff, the Executive Director of WFWV, strongly recommending approval of the Comar proposal. Affidavit Exhibit A.

- h. Following my e-mail to Mr. Radcliff, the Comar bid was discussed at a WFWV meeting attended by Mr. Radcliff, John Williams, Deputy Executive Director, WFWV, Rick Martin, Mary Jane Bowling and me.
  - i. WFWV then approved Comar's bid, and recommended it for final approval by the Governor, along with 13 other approved bids.
  - j. In a letter dated May 27, 2009, the Governor notified Comar that it had been awarded a grant of up to \$100,000 of State Set-Aside funds for Program Year 2008.
  - k. Following the grant award WFWV negotiated a contract with Comar, which was executed by July 1, 2008.
6. At all times relevant to the events described in this affidavit, I knew that Martin Bowling was Mary Jane Bowling's son, and that he worked for Comar or was associated with Comar. I did not know whether he was an employee of Comar or a consultant. I understood that Martin Bowling was knowledgeable about and worked with information technology and computers.
7. Martin Bowling's employment or other affiliation with Comar was not a material issue with respect to the Comar bid. Comar was not disqualified from bidding on and/or receiving State Set-Aside funds solely on account of Martin Bowling's employment or relationship with Comar, and the fact that he is Mary Jane Bowling's son.

8. Sometime in the Spring of 2008, I asked Mary Jane Bowling if Martin Bowling could prepare a brochure for WFWV to be used in connection with the 2008 WORKFORCE West Virginia Conference scheduled for July 29 through August 1, 2008. Martin prepared the "At-A-Glance" brochure, which contained the conference schedule in a single page. Affidavit Exhibit B.
9. In early March 2009 Mary Jane Bowling and I attended a meeting in Bridgeport, W. Va. While traveling back from that meeting, Mary Jane called me on my cell phone and told me that her son Martin had just been arrested and taken to jail. That was the first I heard of Martin being in criminal trouble. I now know that Martin had been charged or convicted of credit card fraud in 2008. If I had known that Martin Bowling had been accused or convicted of credit card fraud earlier, I would have opposed Comar's bid and taken action to ensure that WFWV rejected Comar's bid.
10. I did not participate in the WFWV audit of the Comar grant and contract. I did not know that Martin Bowling and Christine Gardner worked on the Comar bid and grant application until those facts were revealed in the investigation. I did not know that Mr. Bowling and Ms. Gardner were paid \$5,000 each for work falsely reported by Comar as "consulting" work in the performance of the Comar contract, when in truth, that work involved preparation of Comar's bid package.

Further Affiant sayeth naught.

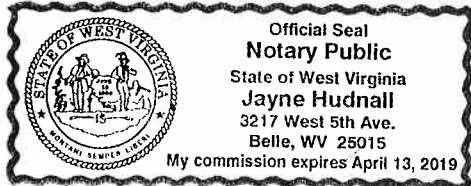
  
Stephen Dailey

Taken, sworn to and subscribed before me, this the 14th day of June 2010.

My commission expires April 13, 2019.

(Seal)

  
Notary Public



From: STEVE DAILEY  
To: radcliff, Ron  
Date: 5/23/2008 12:52:31 PM  
Subject: COMAR State Set Aside

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Ron,

Before you leave on vacation, we need to finalize all vendors. All state set aside contracts are conditionally approved pending negotiations, except COMAR. After reviewing COMAR proposal, they meet all three categories (1) demand occupation (2) Sustainability. They have private investors and; (3) Focusing on the Governor's high growth occupations for jobs in the 21st Century. I strongly recommend they be approved. In addition, they were ranked higher than 6 of the grantees. Just food for thought!!!! If you have a minute stop by and we can discuss.

Stephen P. Dailey, Director  
WORKFORCE West Virginia  
One-Stop (ES/UI) Field Operation Divisions  
112 California Avenue  
Bldg 4, Room 112  
Charleston, West Virginia 25305  
(304) 558-1138  
(304) 558-1136 Fax  
[sdailey@workforcewv.org](mailto:sdailey@workforcewv.org)

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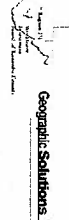
Attachments: STEVE DAILEY.vcf





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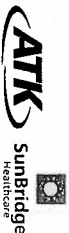
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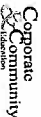
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**WORKFORCE**  
West Virginia

USA



## 2008 Annual Conference



2008 WORKFORCE West Virginia Conference  
At-A-Glance





## Tuesday, July 29, 2008

- 8:30 am – noon Exhibitor Set-up (Exhibit Hall)
- 9:00 am – 5:00 pm Registration Opens and Continues Throughout Conference
- 1:00 pm – 1:15 pm Welcome to the Conference (Rooms A, B and C) *Steve Dailey*
- 1:00 pm – 5:00 pm Exhibit Hall Open
- 1:30 pm – 2:30 pm Let's Talk Business: Addressing Business Needs (Racetrack Glass Room) *Rick Record*
- 2:30 pm – 3:30 pm 21<sup>st</sup> Century Workforce (Racetrack Glass Room) *Ron Radcliff, Jon Amores, Stan Hopkins and Sid Valentine*
- 1:15 pm – 2:30 pm
  - Let's Talk: Managing Relationships to Achieve Better Communications (Room D) *Skip Gebhart*
  - Who's Normal Anyway? Understanding Individuals With Disabilities and Barriers to Employment (Room E) *Jesse Martin, Sharon Minor, Sherry Clyde, Chad Beam and Marie Parker*
  - Project Management: What Is It? What Can It Do For Me? (Room F) *Paul Schreffler*
- 2:30 pm – 2:45 pm Break (Special Chamber)
- 2:45 pm – 3:45 pm
  - When They Come Out of Incarceration (Room F) *Kari L. Rice, Larry Gue and Jennifer Ballard*
  - Career Makeover: The R.E.A.L. Change (Room D) *Julia Starko and James Paparella*
  - The WV Earned Income Tax Credit (EITC) Campaign: Opportunities for Partnerships (Room E) *Calah Young, Jim Boiney and Melissa Aguilar*
  - ELISE Job Matching from Job Seeker Perspective (Room C) *Diane Perdue and Christine Robinett*
- 4:00 pm – 5:15 pm Welcoming Remarks (Rooms A, B and C) *Governor Joe Manchin III*
- 6:30 pm Welcoming Reception at the Racetrack

## Wednesday, July 30, 2008

- 8:00 am – 6:00 pm Exhibit Hall Open
- 8:30 am – 11:30 am Changes: Review of Recent Changes to Employment Law (Racetrack Glass Room) *Bradley Shafer and Susan L. Deniker*
- 8:30am – 9:45 am
  - Understanding Social Security Work Incentives (Room A) *Jennifer Tenney and Harry Bostic*
  - Co-Location and Integration to Minimize Adverse Effects of Rescission (Room B) *Joe Paterno and Tracy Lansberry*
  - WorkKeys Proctor Training\* (Room C) *Michele Wilson*
  - Community College Entrepreneurs: Teaching Skills that Enhance, Educate and Empower (Room D) *Sharon A. Wagoner and Connie Morris Fox*
  - Building a Successful Inclusion Team (Room E) *Jill Beall and Faith Hicks*
  - Transition Resources: Living, Working & Education, Gateways Youth Transition (Room F) *Sherri Napier, Rebecca Berger and Jan Derry*
- 9:45 am – 10:15 am Break (Special Chamber)

## 10:15 am – 11:30 am

- Promoting Job Seekers Through Occupational Case Management (Room A) *Rick Record*
- WIA File Maintenance (Room B) *Pam Williams and Zena Harris*
- WorkKeys Proctor Training continued\* (Room C) *Michele Wilson*
- In the Spotlight (Best Practices) (Room D) *Debbie Myers, Kristy Blankenship, Mary Jo Ladish, Melissa Aguilar and Coby Brown*
- Diversity Is Not Just a Nine Letter Word (Room E) *Debra Hart*
- Overview of WV Youth Works, "A Youth Transition Demonstration Project," Gateways Youth Transition (Room F) *Taylor Runner and Amanda O'Donnell*
- 11:30 am – 1:00 pm Lunch (On Your Own)
- 1:00 pm – 2:15 pm
  - Sexual Harassment and Other Protected Class Harassment (Racetrack Glass Room) *Don Raynes*
  - Trade Adjustment Assistance (TAA) Rapid Response Procedures: Mysteries Removed (Room A) *Chuck Townsend and Fred Mixer*
  - State-Set-Aside Grantee Training (Invitation Only) (Room B) *Lou Davitian and Rohit Samanta*
  - From Entitlement to Empowerment (Room C) *Bill Monterosso, Wade Coffindaffer, Vikki Nichols, McKenzie Smith and Ashley Goff*
  - The GI Bill: It's not just for School (Room D) *Skip Gebhart*
  - The What, Way and Why of Communicating With Others (Room E) *Walter J. Smith*
  - Mapping Transition Services: Look for the ABILITY, Gateways Youth Transitions (Room F) *Rhonda Bolyard and Sallie Askin-Phalen*
- 2:15 pm – 2:45 pm Break (Special Chamber)
- 2:45 pm – 4:00 pm
  - Employers Responsibility Surrounding Identity Theft (Racetrack Glass Room) *Patricia Moore and Louise Yale*
  - A Trade Adjustment Assistance (TAA) and Rapid Response Procedures: Primer for Employers (Room A) *Chuck Townsend and Fred Mixer*
  - State-Set-Aside Grantee Training (Invitation Only) (Room B) *Lou Davitian and Rohit Samanta*
  - The Benefits of the West Virginia Statewide WorkKeys Credential (Room C) *Michele Wilson*
  - Registered Apprenticeship in the 21<sup>st</sup> Century (Room D) *Kenneth W. Milnes, Joseph T. Hersh, Michael Ferrari and Jeffrey Michael*
  - Overview of Developmental Disabilities and Accommodations in the Workplace (Room E) *Todd Hawkins*
  - I Can Work! Benefits Planning, Gateways Youth Transition (Room F) *Jennifer Tenney, Ashley Tasker and Angela Vaught*
- 4:15 pm – 4:45 pm Exhibitor Drawings (Special Chamber)
- 5:00 pm (By prearranged ticket only) Bus leaves for Pittsburgh Pirates/Colorado Rockies Baseball Game

## Thursday, July 31, 2008

- 8:30 am – 9:45 am
  - Show Me the Money (Racetrack Glass Room) *Janie Claytor-Woodson*

- Sexual Harassment and Other Protected Class Harassment\* (Room D) *Don Raynes*

- Alternate Route to College Opportunity for At Risk Youth (Room E) *Bob G. McPhail and T. J. VanMeter*

- Roadmaps to the Future, Gateways Youth Transition (Room F) *Sheila Harper and Marilyn Nichols*

## 9:45 am – 10:15 am Break (Special Chamber)

## 10:15 am – 11:30 am

- ELISE Job Matching for Employers (Race Track Glass Room) *Diane Perdue and Christine Robinett*
- Get a Job and Get Paid (Room D) *Rick Record*
- Follow-up on Federal Assistance (Room E) *Christopher Marlis*
- I. E. P. Transition and Self Advocacy, Gateways Youth Transition (Room F) *Melody Waybright*
- 11:30 am – 12:00 pm Break (Special Chamber)
- Noon – 1:15 pm Awards Luncheon (Rooms A,B and C)
- Noon – 5:00 pm Exhibitor Tear Down
- 1:30 pm – 2:45 pm
  - Working the WEB in West Virginia (Racetrack Glass Room) *Albert Hendershot*
  - Packing Your Financial First Aid Kit (Room D) *Linda Hawkins*
  - Review of U.S. DOL Programs (Room E) *Ed Bowman*
  - Kanawha County Schools Transition Projects, Gateways Youth Transition (Room F) *Jeff McCroskey and Martha Minter*
- 2:45 pm – 3:15 pm Break
- 3:15 pm – 5:15 pm Committee Meetings
- MACC Focus Group (Room E) *Lou Davitian*
- School Counselors Meeting (Invitation Only) (Room F) *Susan Weinberger*
- Sign up at Registration Desk  
Golf Information Available
- 6:30 pm – 8:00 pm (Optional) Wine and Cheese Reception
- 8:00 pm – 11:00 pm (Optional) Poker Tournament
- 8:00 pm – 9:00 pm (Optional) Slot Tournament

## Friday, August 1, 2008

- 8:30 am – 10:00 am Washington Update (Rooms A, B and C) *Darrell Hardy*
- 10:00 am – 11:00 am Closing Remarks (Rooms A, B and C) *Stephen Dailey*

\* Repeated session